

### § 989.33.

in AFI 32-7063, Air Installation Compatible Use Zone. Draft EIAP aircraft noise/land use analysis associated with air installations will be coordinated with the MAJCOM AICUZ program manager.

### § 989.33. Environmental justice.

During the preparation of environmental analyses under this instruction, the EPF should ensure compliance with the provisions of E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and Executive Memorandum of February 11, 1994, regarding E.O. 12898.

### § 989.34 Special and emergency procedures.

(a) *Special procedures.* During the EIAP, unique situations may arise that require EIAP strategies different than those set forth in this part. These situations may warrant modification of the procedures in this part. EPFs should only consider procedural deviations when the resulting process would benefit the Air Force and still comply with NEPA and CEQ regulations. EPFs must forward all requests for procedural deviations to HQ USAF/ILEV (or ANGRC/CEV) for review and approval by SAF/MIQ.

(b) *Emergency procedures (40 CFR 1506.11).* Emergency situations do not exempt the Air Force from complying with NEPA, but do allow emergency response while completing the EIAP. Certain emergency situations may make it necessary to take immediate action having significant environmental impact, without observing all the provisions of the CEQ regulations or this part. If possible, promptly notify HQ USAF/ILEV, for SAF/MIQ coordination and CEQ consultation, before undertaking emergency actions that would otherwise not comply with NEPA or this part. The immediate notification requirement does not apply where emergency action must be taken without delay. Coordination in this instance must take place as soon as practicable.

### § 989.35 Reporting requirements.

(a) EAs, EISs, and mitigation measures will be tracked at bases and

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MAJCOMs through an appropriate environmental management system.

(b) Proponents, EPFs, and public affairs offices may utilize the World Wide Web, in addition to more traditional means, to notify the public of availability of EAs and EISs. When possible, allow distribution of documents electronically. Public review comments should be required in writing, rather than by electronic mail.

(c) All documentation will be disposed of according to AFMAN 37-139, Records Disposition—Standards.<sup>12</sup>

### § 989.36 Waivers.

In order to deal with unusual circumstances and to allow growth in the NEPA process, SAF/MIQ may grant waivers to those procedures contained in this instruction not required by NEPA or the CEQ Regulations. Such waivers shall not be used to limit compliance with NEPA or the CEQ Regulations but only to substitute other, more suitable procedures relative to the context of the particular action. Such waivers may also be granted on occasion to allow experimentation in procedures in order to allow growth in the EIAP. This authority may not be delegated.

### § 989.37 Procedures for analysis abroad.

Procedures for analysis of environmental actions abroad are contained in 32 CFR Part 187. That directive provides comprehensive policies, definitions, and procedures for implementing E.O. 12114. For analysis of Air Force actions abroad, 32 CFR Part 187 will be followed.

### § 989.38 Requirements for analysis abroad.

(a) The EPF will generally perform the same functions for analysis of actions abroad that it performs in the United States. In addition to the requirements of 32 CFR Part 187, the following Air Force specific rules apply:

(b) For EAs dealing with global commons (geographic areas beyond the jurisdiction of the United States or any foreign nation), HQ USAF/ILEV will review actions that are above the

<sup>12</sup> See footnote 1 to § 989.1.

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MAJCOM approval authority. In this instance, approval authority refers to the same approval authority that would apply to an EA in the United States. The EPF documents a decision not to do an EIS.

(c) For EISs dealing with the global commons, the EPF provides sufficient copies to HQ USAF/ILEV for the HQ USAF ESOHC review and AFCEE/EC technical review. After ESOHC review, the EPF makes a recommendation as to whether the proposed draft EIS will be released as a draft EIS.

(d) For environmental studies and environmental reviews, forward, when appropriate, environmental studies and reviews to HQ USAF/ILEV for coordination among appropriate federal agencies. HQ USAF/ILEV makes environmental studies and reviews available to the Department of State and other interested federal agencies, and, on request, to the United States public, in accordance with 32 CFR Part 187. HQ USAF/ILEV also may inform interested foreign governments or furnish copies of studies, in accordance with 32 CFR Part 187.

### APPENDIX A TO PART 989—GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS

#### References

##### Legislative

- 10 U.S.C. 2687, *Base Closures and Realignment*
- 42 U.S.C. 4321-4347, *National Environmental Policy Act of 1969*
- 42 U.S.C. 7506(c), *Clean Air Act Amendments of 1990*
- 42 U.S.C. 13101(b), *Pollution Prevention Act of 1990*
- 43 U.S.C. 155-158, *Engle Act*

##### Executive Orders

- Executive Order 11988, *Floodplain Management*, May 24, 1977

- Executive Order 11990, *Protection of Wetlands*, May 24, 1977
- Executive Order 12114, *Environmental Effects Abroad of Major Federal Actions*, January 4, 1979
- Executive Order 12372, *Intergovernmental Review of Federal Programs*, July 14, 1982
- Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, February 11, 1994

#### U.S. Government Agency Publications

- Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act*, 40 CFR parts 1500-1508
- Department of Defense Directive (DoDD) 4715.1, *Environmental Security*
- Department of Defense Directive (DoDD) 6050.7, *Environmental Effects Abroad of Major Department of Defense Actions*, March 31, 1979 (32 CFR Part 187)
- Department of Defense Instruction (DoDI) 4715.9, *Environmental Planning and Analysis*
- DoDD 5000.1, *Defense Acquisition*
- Department of Defense Regulation 5000.2-R, *Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems*

#### Air Force Publications

- AFPD 32-70, *Environmental Quality*
- AFI 32-1021, *Planning and Programming of Facility Construction Projects*
- AFI 32-7002, *Environmental Information Management System*
- AFI 32-7005, *Environmental Protection Committees*
- AFI 32-7040, *Air Quality Compliance*
- AFI 32-7062, *Air Force Comprehensive Planning*
- AFI 32-7063, *Air Installation Compatible Use Zone Program*
- AFI 32-7064, *Integrated Natural Resources Management*
- AFI 32-7080, *Pollution Prevention Program*
- AFI 35-202, *Environmental Community Involvement*
- AFI 35-205, *Air Force Security and Policy Review Program*
- AFMAN 37-139, *Records Disposition—Standards*

#### Abbreviations and Acronyms

Abbreviation or Acronym	Definition
AFCEE .....	Air Force Center for Environmental Excellence
AFCEE/EC .....	Air Force Center for Environmental Excellence/Environmental Conservation and Planning Directorate
AFI .....	Air Force Instruction
AFLSA/JACE .....	Air Force Legal Services Agency/Environmental Law and Litigation Division
AFLSA/JAJT .....	Air Force Legal Services Agency/Trial Judiciary Division
AFMAN .....	Air Force Manual
AFMOA/SG .....	Air Force Medical Operations Agency/Aerospace Medicine Office
AFPD .....	Air Force Policy Directive
AFRES .....	Air Force Reserve